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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,033	04/12/2001	Adam D. Sah	004055.P009	5115

26874 7590 12/09/2004  
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CINCINNATI, OH 45202

EXAMINER

TRAN, NHAN T

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 12/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/835,033

Applicant(s)

SAH, ADAM D.

Examiner

Nhan T. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-15, 17 and 18 is/are rejected.
- 7) ☒ Claim(s) 6 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/12/01, 7/14/04, 9/23/04
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings are informal. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### ***Claim Objections***

2. Claim 13 is objected to because the claim recites the limitation "the frequency of the refresh" in line 1 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 15 is objected to because the claim recites the limitations "the refresh rate monitor" and "the frequency of the refresh" in lines 2-3 of the claim. There is insufficient antecedent basis for these limitations in the claim.

Claims 16 & 17 are also objected to because the claims recite the limitation "the frequency of the refresh." There is insufficient antecedent basis for this limitation in the claims.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5, 7-15, 17, 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Tullberg et al (US 6,813,312).

Regarding claim 1, Tullberg discloses a method of keeping refreshed image from a camera on a user's system (Fig. 3), comprising:

sending the image to the user's system (Figs. 1 & 3; col. 3, lines 45-67);

refreshing the image when a refresh period (i.e., 40ms for frame rate of 25 fps) has elapsed, and after a period of time (a timezone), decreasing a frequency of the refresh (see Figs. 5a-6e and a setting table shown in col. 6, lines 41-50, wherein the frequency of refresh is decreased from 25 fps to 15 fps and so on after each timezone period).

Regarding claims 2 & 3, it is also clear that the frequency of the refresh is decreased along an exponential curve as shown the setting table in col. 6, lines 41-50, wherein the refresh is decreased from 25 fps to 15 fps, then 5 fps and then stopped at 0 fps in timezone 5.

Regarding claims 4 & 5, see the analysis of claim 1 and the setting table in col. 6 for the set timezone to decrease the frequency of the refresh.

Regarding claim 7, Tullberg discloses in the setting table in col. 6 and col. 8, lines 7-15 that the determination whether to decrease the frequency of the refresh rate is periodically evaluated (at the end of each timezone on daily basis, i.e., after 24:00pm).

Regarding claim 8, since the refresh period of the image is about 40ms for the frame rate of 25 frames per second or 66.66ms for the frame rate of 15 frames per second and a period to evaluate the determination whether to decrease the frequency of the refresh is scaled in minutes (horizontal axis) as shown in Figs. 5a – 6e, it is apparent that the evaluation period is much longer than the refresh period of the image.

Regarding claim 9, as shown in Fig. 5a, for instant, the determination (happens in milliseconds, even micro seconds in such a conventional system) whether to decrease the frequency of the refresh from 25 fps to 15 fps occurs concurrently (at the vertical line from 25 to 15) with a refresh cycle of the last image of the 25 fps time frame.

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Regarding claims 10 & 11, inherent in Tullberg is a timer/counter to keep track of the timezone settings in the table shown in col. 6 to decrease the frequency of the refresh when each timezone is reached.

Regarding claim 12, see the analysis of claim 1. In addition, Tullberg also discloses that the apparatus is implemented as a network system (col. 8, lines 61-65). It is also noted that the refresh period is increased after each timezone because of a decrease of frame rate as shown in the setting table in col. 6 and Figs. 5a-6e.

Regarding claims 13-15, see the analyses of claims 2, 3 & 5, respectively.

Regarding claims 17 & 18, see the analyses of claims 7 & 9, respectively.

#### ***Allowable Subject Matter***

4. Claims 6 & 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record fails to teach or fairly suggest the limitations of claims 6 and 16 in combination with their corresponding independent claims to determine that it is time to decrease the frequency of the refresh when a window displaying the image is not visible to the user.

***Conclusion***

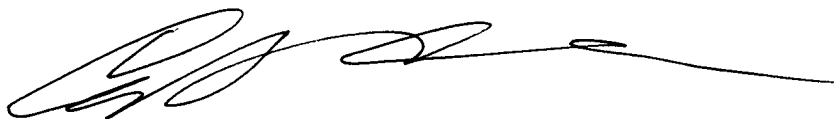
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T. Tran whose telephone number is (703) 605-4246. The examiner can normally be reached on Monday - Thursday, 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew B Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NT.

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A handwritten signature in black ink, appearing to read 'A. Christensen', with a long horizontal flourish extending to the right.

ANDREW CHRISTENSEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600